

03

# **Notice of Allowability**

**Application No.**

09/997,753

**Examiner**

Jeffrey R. Jastrzab

**Applicant(s)**

MULLIGAN ET AL.

**Art Unit**

3762

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10/5/04.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 19 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on Mr McDowell for Mr Chaptik, 11/4/05 requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 13-2546 the required fee of \$110 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In Claim 1:

in line 1, "determine" has been changed to - - determining - -;  
in line 2, after "sensor", - -adapted to be - - has been added;  
in line 2, after "measure", - - ventricular- - has been added;  
and in line 4, before "pressure", - - ventricular- - has been added.

In Claim 2:

in line 1, after "electrode", - -adapted to be - - has been added.

Art Unit: 3762

In Claim 3:

in line 1, after "electrodes", - -adapted to be - - has been added.

In Claim 4:

in line 2, after "electrode", - -adapted to be - - has been added.

In Claim 5:

in line 1, after "sensor is", - -adapted to be - - has been added;

and in line 2, after "sensor", - -adapted to be - - has been added.

In Claim 7:

in line 1, after "circuit is", - - adapted to be - - has been added.

In Claim 8:

in line 3, after "device", - - adapted to be - - has been added.

In Claim 23:

in line 2, after "means", - -adapted to be - - has been added;

in line 2, after "pressure", - - in the ventricle- - has been added;

and in line 4, before "pressure", - - ventricular- - has been added.

Art Unit: 3762

In Claims 24-28:

in line 1 of each claim., after "means", - -adapted to be - - has been added.

In Claim 29:

in line 1, after "means", - -adapted to be - - has been added;

and in line 2, after "means", - -adapted to be - - has been added.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Jastrzab whose telephone number is (571) 272-4947. The examiner can normally be reached on Monday through Wednesday from 5:30am to 2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angie Sykes, can be reached on (571) 272-4955. The fax phone number for this Art Unit is (703) 872-9306.

  
Jeffrey R. Jastrzab  
Primary Examiner  
Group 3762

November 5, 2004